

## NCD Concept/Other Models

### NCD Concept:

#### 1. Neighborhood Conservation Districts vs. Historic Districts: what's the difference?

-Historic Districts (HDs): established under state enabling legislation chapter 40C MGL

-NCDs: established under city home rule enabling ordinance Article III, Chapter 2.78

Generally:

HDs: are intended to PRESERVE and PROTECT architectural fabric and historic settings of SIGNIFICANT buildings and places

NCDs: are intended to CONSERVE distinctive features of the City's neighborhoods and history

-HD Purpose: to promote the public welfare THROUGH 1) preservation and protection of distinctive characteristics of buildings and places significant in the history of the Commonwealth and its cities or their architecture 2) through maintenance and improvement of settings for such buildings and places and 3) [through] the encouragement of design compatible therewith

-NCD Purpose: to promote the public welfare by making the City a more attractive and desirable place to live and work and to improve the quality of its environment and to preserve, conserve and protect the beauty and heritage of the City THROUGH 1) identification, conservation, and maintenance of neighborhoods, areas, sites and structures which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City, 2) resisting and restraining environmental influences adverse to this purpose, 3) fostering appropriate use and wider public knowledge and appreciation

## 2. What's the SAME?

HDs and NCDs BOTH require issuance of a Certificate of Appropriateness, Hardship or Non-applicability before construction, alteration or demolition of an exterior architectural feature of the district can take place

HDs and NCDs BOTH define exterior architectural feature as:

Such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style and general arrangement and setting thereof, the kind, material and texture of exterior building materials, and the type and style of windows, doors, lights, signs or other appurtenant exterior fixtures

This means that TO BE SUBJECT TO REVIEW, the relevant component of the structure must be publicly visible from a public way; aspects of a structure that are NOT visible from a public way (because they cannot be seen from a public way or because they are not on a public way) cannot be regulated

HDs and NCDs BOTH regulate construction, alteration, and demolition of district buildings and structures

## 3. Is anything else DIFFERENT?

Jurisdictional differences between HDs and NCDS include:

- COLOR: the color of exterior architectural features is specifically precluded from regulation in ALL NCDs
- TYPE and NUMBER of allowable EXEMPTIONS:  
Ch. 40C has 8 exemptions; Ch. 2.78 has 7 exemptions, 4 of which are similar to 40C;  
3 of the Exemptions in 2.78 are much broader than those allowed in 40C
- PROVISION for BINDING and ADVISORY (or Non-Binding) Reviews:  
Ch. 40C has no provision for advisory reviews (all reviews in an HD are binding)

-CRITERIA: Ch. 40C has NO criteria for what constitutes a district; Ch. 2.78.180 A. says that NCDs are: “any area within the City containing places and structures which [the Historical Commission] determines are of importance to the architectural, aesthetic, cultural, political, economic or social history of the City, and which considered together cause such area to constitute a distinctive neighborhood or to have a distinctive character in terms of its exterior features\*”

\* note that this definition does NOT say “exterior ARCHITECTURAL features” but simply “exterior features”, so it is more broadly defined than the architectural focus of 40C

#### 4. What does all of this mean?

NCDs are intended to be **DISTINCTIVE**, not necessarily **SIGNIFICANT**

**DISTINCTIVE** means **RECOGNIZABLE** or **DISTINGUISHABLE** as a particular place or area

NCDs are intended to **CONSERVE DISTINCTIVE NEIGHBORHOOD CHARACTER**, not to **PRESERVE SPECIFIC ARCHITECTURAL FEATURES** or **FABRIC**

NCDs need not be all of one **AGE, ARCHITECTURAL STYLE, MATERIAL, TYPE** of **CONSTRUCTION**, or **SIZE**

NCDs have a **BROADER** range of **OPTIONS** than **HDs**; provide for a less **RESTRICTIVE** form of regulation than **HDs**; and may be of **LESSER** architectural or historical significance than **HDs**

NCDs are primarily intended to conserve the neighborhood’s **ENVIRONMENT** not its architectural fabric or historic setting

NCDs are intended to engender public **KNOWLEDGE** and **APPRECIATION** of the neighborhood